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IN THE
SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1966

NO.

1056

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POWELL VALLEY ELECTRIC COOPERATIVE,

Petitioner,

VS.

KENTUCKY UTILITIES COMPANY,

Respondent.

**PETITION FOR A WRIT OF CERTIORARI
TO THE UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT**

CLYDE Y. CRIDLIN,
Jonesville, Virginia 24263,

Attorney for Petitioner.

IN THE
SUPREME COURT OF THE UNITED STATES

October Term, 1966

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POWELL VALLEY ELECTRIC COOPERATIVE,
Petitioner,

v.

KENTUCKY UTILITIES COMPANY,
Respondent.

**PETITION FOR A WRIT OF CERTIORARI TO THE
UNITED STATES COURT OF APPEALS
FOR THE SIXTH CIRCUIT**

Petitioner prays that a writ of certiorari issue to review the judgment of the United States Court of Appeals for the Sixth Circuit entered in this case.

OPINIONS BELOW

The opinion of the District Court is reported in 237 F. Supp. 502 and printed in Appendix A to the petition for certiorari heretofore filed by Edward J. Hardin and

James B. DeBusk. The opinion of the Court of Appeals and the dissenting opinion, which are unreported, are printed in Appendix B to such petition.

JURISDICTION

The judgment of the Court of Appeals was entered on November 15, 1966. The jurisdiction of this Court is invoked under 28 U.S.C. §1254(1).

QUESTIONS PRESENTED

1. Does section 15d(a) of the Tennessee Valley Authority Act (16 U.S.C. §381n-4(a)) insulate a private utility from the competition of two small municipalities using TVA power supplied to them by a rural electric cooperative which on July 1, 1957, had lines completely surrounding the towns and supplied TVA power on all sides of the towns and within the towns themselves?

2. Where the TVA Board of Directors has construed section 15d(a) of the TVA Act as not prohibiting the sale of TVA generated power in competition with private utilities within such towns, does such construction represent a reasonable exercise of the Board's executive responsibilities which is not subject to judicial reversal?

3. Where the TVA Board has determined that two small towns are inside the periphery of the area for which TVA or its distributors were the primary source of power supply on July 1, 1957, and such determination was made in good faith and supported by substantial evidence, may such determination be overturned by the courts?

STATUTE INVOLVED

The principal statutory provision involved is section 15d(a) of the TVA Act, which is printed as Appendix C to the petition of Messrs. Hardin and DeBusk.

**STATEMENT OF THE CASE AND
REASONS FOR GRANTING WRIT**

Petitioner adopts the STATEMENT OF THE CASE and REASONS FOR GRANTING THE WRIT as set forth in the petitions of Messrs. Hardin and DeBusk and of the Tennessee Valley Authority.

Respectfully submitted,

CLYDE Y. CRIDLIN
Jonesville, Virginia

Attorney for Petitioner

CERTIFICATION

I hereby certify that on this 11th day of February, 1967, I served the foregoing Petition for Writ of Certiorari upon the parties by mailing a copy of the same to:

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